

PLEASE NOTE: Letter with original
Signature is currently en route
to FCC via courier - original
letter should arrive at FCC
on Monday, January 26



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Your ref.
Our ref. 182A
Date 22 January 2004

Federal Communications Commission
Commission Secretary
Marlene H Dortch
455 12th Street SW
TWB-B204
Washington D.C. 20554

Received
JAN 28 2004

RECEIVED Policy Branch
International Bureau

JAN 23 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Madam

Reduction in Orbital Spacing between US Direct Broadcast Satellites

Reference Report No SPB-196

The Federal Communications Commission ("FCC") of the United States has requested comments on proposals to permit reduced orbital spacing between US Direct Broadcast Satellites ("DBS"). Cited as one of the proposals was the Petition for Declaratory Ruling of SES AMERICOM to provide DBS services into the United States from 105.5°W under licence from Gibraltar.¹ In this letter the Gibraltar Regulatory Authority ("GRA") will address the underlying ITU processes that relate to the 105.5°W orbital location. The GRA believes the FCC should dismiss as the Petition for Rulemaking of DIRECTV as unnecessary given the ITU process in place.

In ITU Region 2, the 12 GHz broadcasting-satellite services ("BSS") band was planned over twenty years ago. This Plan included BSS channel assignments for the United States and other countries in the Region including the United Kingdom. The ITU Radio Regulations in Appendices 30/30A detail a process for changing the BSS plan to modify existing Plan assignments or to include new orbital assignments. The Radio Regulations require the administration requesting a modification of the plan to gain agreement of administrations whose assignments are identified as affected². The protection requirements of those affected and the needs of those requesting a modification will vary and should not be forced to adhere to a single blanket technical standard. International coordination practice under ITU procedure recognizes the unique circumstances that can exist requiring flexibility in reaching agreement between parties. The DIRECTV Proposal for Rulemaking proposes the

¹ Under an International Telecommunications Union ("ITU") filing made by the United Kingdom on behalf of Gibraltar which is an Overseas Territory of the United Kingdom.

² Methodology for identification affected assignments is in the Radio Regulations.

FCC adopt through a Rulemaking a single solution for reduced orbital spacing. This is not needed, and is inappropriate to apply to filings of other countries. Instead, the GRA advocates the continued pursuit of coordination under the ITU Radio Regulations.

Yours sincerely

A handwritten signature in black ink, appearing to read "P. Canessa", with a long horizontal flourish underneath.

Paul J Canessa
Chief Executive